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C O N F I D E N T I A L LA PAZ 002127

SIPDIS

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TAGS: PGOV PREL ASEC KDEM PHUM BL
SUBJECT: BOLIVIA: EVO DETERMINED ON CONSTITUTION

Classified By: EcoPol Chief Mike Hammer for reasons 1.4 b,d

¶1. (C) Summary: "For good or for bad," President Evo Morales declared on September 27 that his Movement Toward Socialism (MAS) draft constitution would go forward. Amidst calls from his own ministers and party-members to modify elements of the draft constitution, Evo declared himself unwilling to consider any changes except those necessary to allow for departmental autonomy. Evo admitted to his followers that he is merely going through the motions of negotiation: "You need to understand me--I have to sit down with those men. I don't want to, but I'm obliged to as the Bolivians' president. That does not mean that I'm negotiating the vindication of the people." Opposition Senator Roger Pinto told Emboff of the opposition's plans to counter the siege of congress by government-aligned groups on October 13 and how international opinion can be swayed in preparation for the opposition departments' rejection of a constitutional referendum. End summary.

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Draft Constitution in Need of Re-Drafting
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¶2. (C) Both the opposition and some members of the ruling MAS party are highlighting problems with the MAS draft constitution, which is currently part of the negotiations in Cochabamba between the opposition and the government. Constitutional experts have questioned a number of articles in the draft constitution, such as sections that give extra rights to Bolivia's indigenous majority, an article that would limit freedom of expression, an excess of autonomies, and the recognition of 36 indigenous "nations" within the nation of Bolivia. However, the opposition and MAS critics are currently focused on the constitution's final article, which lays out rules for amending the constitution: specifically, the fact that the new constitution would be able to be modified by simple majority of congress (which the MAS currently enjoys) and a confirming simple-majority in a national referendum.

¶3. (C) Rural Development Minister Carlos Romero, who has experience with the draft constitution and is chairing

negotiations on the constitution in Cochabamba, declared publicly: "I believe that if we are looking to give more certainty, more stability to the constitutional norms, simple majority is not the best route. Accepting a two-thirds requirement and a semi-flexible system of constitutional reform would give more judicial security to Bolivians." MAS congressional leader Jorge Silva concurred: "It should be subjected to other mechanisms--I don't know if two-thirds--that allow the constitution to be sustainable over time. If it's approved the way it is, any congress can change a large part of the constitution in accordance with its ideology..."

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Evo: Agree or Else
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¶14. (C) After telling the Cochabamba audience that the United States wishes to kill him, Morales added that the Bolivian opposition had "set aside money" to assassinate him. Again calling the civil protests in opposition departments "a civil coup", Morales alleged that the opposition is supported by the USG. Despite these statements, Evo said that he seeks an agreement with the opposition prefects of Santa Cruz, Beni, Tarija, and Chuquisaca (opposition Pando Prefect Leopoldo Fernandez is still in government custody.)

¶15. (C) Government-aligned social groups are threatening a siege of the congress on October 13 to force the regional opposition to sign an agreement (and to force the opposition-controlled senate to pass a law calling for a referendum on the draft constitution.) Meanwhile, President Morales and Santa Cruz Prefect Ruben Costas met for the first time in La Paz over the weekend, resulting in an announcement of a delayed re-start of negotiations until October 5. Tarija Prefect Mario Cossio met with Morales the evening of September 29, and Beni Prefect Ernesto Suarez will reportedly meet with the President on September 30.

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Negotiations: The Show Must Go On
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¶16. (C) Opposition (PODEMOS) Senator Roger Pinto told Emboff on September 29 that "the negotiations are a show for foreign observers." He warned that there is no hope of reaching consensus on the important issues, but "we are not going to be the ones to walk away from the table." Pinto said the government is trying to provoke the opposition into leaving, going so far as personally insulting the opposition prefects; Pinto reports that the insults left some international observers visibly shocked. Pinto opined that the presence of the opposition is vital "to see what the government is really about: maybe now (the international community) won't be as deaf, dumb, and blind to the (Bolivian) situation."

¶17. (C) In anticipation of the government-aligned siege of the congress, Pinto told us that the opposition congress members (including from smaller MNR and UN parties) were planning to camp in their congressional offices. He added, however, that the opposition congress members would also make sure to interact with the crowd: "Without video of congressmen being pushed around outside the congress, the world will not notice what is going on here." Pinto believes that in the end, the MAS will get its referendum on the constitution. He said that the opposition is working on the optics of the October 13 siege of congress to influence international opinion in preparation for a subsequent rejection of the referendum in opposition departments.

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Comment
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¶18. (C) Despite some progress by the "technical teams" of the negotiations in Cochabamba, neither the opposition nor the government have confidence in their ability to come to a mutually-acceptable decision. Both sides are playing to the

international observers and the media while preparing pressure tactics and ways to avoid complying with any final decision that goes against them. The planned siege of congress on October 13 could easily turn ugly: previous sieges have featured video clips of congresswomen being attacked and opposition members physically barred from entering their offices. Coming as it does during Black October--the highly-emotional anniversary of deaths under ex-President Goni Sanchez de Lozada--this "popular siege" ordered by President Evo Morales has the potential to devolve into violence. Following the counternarcotics decertification and ATPDEA suspension decisions, there is always a chance that Evo will turn his rhetoric (and his social groups) on the mission. End comment.

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